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OFFICE OF PETITIONS

In re Application of
Owens
Application No.: 10/815,608
Filed: April 1, 2004
Attorney Docket No.: AVERP3538USA
For: NEWSPRINT DISPENSING DEVICE

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(b)

This is a decision on the petition under 37 CFR 1.47(b), filed January 6, 2005 (certificate of mailing date January 3, 2005).

The petition is granted.

Petitioner has shown that the non-signing inventor, John R. Owens, has constructively refused to join in the filing of this application. Specifically, the statement of facts of Attorney Cynthia S. Murphy establishes that the inventor was mailed a full copy of the application as filed, including specification, claims and drawings, an Assignment, and a Combined Declaration and Power of Attorney on June 7, 2004. The inventor did not respond to the request that he return an executed declaration. A statement of facts by John W. Cornell establishes that the non-signing inventor was an employee of Avery when the technology was developed and a copy of the employment agreement signed by Owens establishes Owens was obligated to assign Avery the technology developed during his employment with Avery. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64 and petitioner has shown that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

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